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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 RICHARD ROY SCOTT,

9 Plaintiff,

10 v.

11 VAN HOOK,

12 Defendant.

CASE NO. 3:16-CV-05785-RBL-DWC

ORDER

13 The District Court referred this 42 U.S.C. § 1983 action to United States Magistrate  
14 Judge David W. Christel. Plaintiff Richard Roy Scott, a civil detainee proceeding *pro se* and *in*  
15 *forma pauperis* (“IFP”), initiated this action on September 6, 2016. *See* Dkt. 1. Presently before  
16 the Court are Plaintiff’s “Motion for Leave to Conduct Discovery of Defendant Hook Motion for  
17 TRO” (“Motion for Discovery”) and “Motion for Expert Funding and Special Master or Standby  
18 Lawyer” (“Motion for Special Master”). Dkt. 8, 10.<sup>1</sup> After review of the record, the Motion for  
19 Discovery and Motion for Special Master are denied.

20 **I. Motion for Discovery (Dkt. 8)**

21 On September 30, 2016, Plaintiff signed –effectively filing– the Motion for Discovery.  
22 Dkt. 8. Plaintiff requests (1) the case management orders be withdrawn and (2) permission to

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24 <sup>1</sup> Plaintiff requests injunctive relief in the Motion for Discovery. Dkt. 8. The requests for injunctive relief  
will be addressed in a separately filed Report and Recommendation.

1 engage in discovery. *Id.* Plaintiff states his trial is in December and he needs to conduct  
2 discovery. *Id.*

3 *A. Case Management Orders*

4 Plaintiff is a vexatious litigator. The Court has entered several orders restricting  
5 Plaintiff's ability to file IFP actions in the Western District of Washington. *See Attachments.*<sup>2</sup>  
6 Plaintiff asks for these orders to be lifted. Dkt. 8. Plaintiff has provided no explanation for why  
7 the orders should be lifted or how these orders are interfering with his ability to litigate this  
8 action. He was granted leave to proceed IFP and his Complaint was served. *See* Dkt. 2, 6.  
9 Accordingly, Plaintiff's request to have the case management orders withdrawn is denied.

10 *B. Discovery*

11 Pursuant to the case management orders, Plaintiff may not engage in discovery without  
12 leave of court. *See* Attachment 2. Plaintiff also "may not file any pleadings requesting any type  
13 of relief until such time as the Complaint has been filed and a Notice of Appearance has been  
14 timely filed on behalf of all the named defendants." Attachment 1.

15 Plaintiff initiated this case on September 6, 2016. Dkt. 1. The Court directed service of  
16 the Complaint on September 21, 2016. Dkt. 6. Plaintiff filed the Motion for Discovery on  
17 September 30, 2016. Dkt. 8. Defendant's counsel filed a timely Notice of Appearance on behalf  
18 of Defendant on October 6, 2016, Dkt. 9, and Defendant has until November 21, 2016 to file an  
19 answer or other responsive pleading. *See* Dkt. 7.

20 Plaintiff filed the Motion for Discovery prior to the Notice of Appearance in violation of  
21 the 2004 Case Management Order. *See* Dkt. 12-2. Additionally, Plaintiff is attempting to engage  
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23 <sup>2</sup> Attached to this Order are the three case management orders. Attachment 1 is the December 2004 case  
24 management order, Attachment 2 is the April 2005 case management order, and Attachment 3 is the March 2007  
case management order.

1 in discovery prior to the deadline for Defendant to file an answer or other responsive pleading.  
 2 While Plaintiff contends his trial is set for December, there are currently no pre-trial or trial dates  
 3 scheduled in this case.<sup>3</sup> For the above stated reasons, Plaintiff's Motion for Discovery is denied.

4 **II. Motion for Special Master (Dkt. 10)**

5 On October 1, 2016, Plaintiff signed –effectively filing– the Motion for Special Master,  
 6 wherein he requests appointment of a special master and standby counsel. Dkt. 10. As discussed  
 7 above, Plaintiff “may not file any pleadings requesting any type of relief until such time as the  
 8 Complaint has been filed and a Notice of Appearance has been timely filed on behalf of all the  
 9 named defendants.” Attachment 1. As counsel for Defendant did not file his Notice of  
 10 Appearance until October 6, 2016, Plaintiff's Motion for Special Master violates the 2004 Case  
 11 Management Order. *See id.* Accordingly, Plaintiff's Motion for Special Master is denied.

12 Dated this 15th day of November, 2016.

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14 David W. Christel  
 15 United States Magistrate Judge

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 23 <sup>3</sup> The Court notes a separate case which alleges constitutional violations arising from the potable water at  
 24 the Special Commitment Center was set for trial in December. *See Jones v. Special Commitment Center*, 3:14-cv-  
 5018-JRC (W.D. Wash.). However, *Jones* has been stayed and the December trial date has been stricken. *Id.*